

REMARKS

Examiners Miller and Snow are thanked for the courtesy of an interview on July 6, 2005. During the interview, proposed amendments to claim 1 were discussed, including language to overcome the art of record. Applicant has amended claim 1 as discussed during the interview. As such, Applicant submits that amended claim 1 overcomes all rejections, including rejections under 35 U.S.C. 102(b) in light of U.S. Patent Nos. 5,376,121; 6,699,290; and 2,362,383. Furthermore, Applicant submits that all obviousness rejections based on the art of record have been overcome.

Specifically, none of the cited references disclose or suggest a prosthetic elbow as set forth in amended claim 1. The claimed invention includes a humeral component having a proximal end and a distal end, wherein the distal end has a pair of arms spaced apart by a first distance and axially aligned bores defining a first axis of rotation. An ulnar component adapted to pivotably engage the humeral component is provided, which includes an end having a bore. An adaptor has a first end pivotably connected to the ulnar component and a second end pivotably connected to the humeral component. The adaptor second end has a width less than the first distance and has a bore. The adaptor first end has a pair of arms having free ends extending away from the second end and spaced apart by the first distance. The adapter arms have axially aligned bores defining a second axis of rotation substantially parallel to the first axis of rotation.

Applicant has amended independent claim 16 to provide that the connector has a first end having a bore defining a first axis of rotation. The bore is pivotably mounted between the first component spaced apart arms. The connector has a second end comprising a pair of spaced apart arms having free ends extending away from the first

end and having axially aligned bores defining a second axis of rotation substantially parallel to said first axis of rotation. Claim 17 has been amended to include similar language as discussed above, including language directed to a first axis of rotation and a second axis of rotation substantially parallel to said first axis of rotation. Note that claim 17 also provides for a U-shaped spacer, in addition to the adaptor.

Claim 6 has been amended to overcome the rejection under 35 U.S.C. §112, 2nd paragraph. No new matter has been added by the amendments herein. All dependent claims depend from one of amended independent claims 1, 16 or 17. As such, Applicant submits that all claims distinguish over the art of record.

In light of the amendments and arguments herein, as well as those discussed during the interview, Applicant submits that all rejections have been overcome. Therefore, allowance of all pending claims is earnestly solicited. A Request for an Extension of Time for one (1) month is submitted herewith, along with the requisite fee. It is believed that no other fees are due with this submission. Should that determination be incorrect, then please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Schrot', with a stylized flourish at the end.

William C. Schrot
Reg. No. 48,447
Attorney for Applicant

Berenato, White & Stavish, LLC
6550 Rock Spring Drive, Suite 240
Bethesda, Maryland 20817
Telephone: (301) 896-0600
Facsimile (301) 896-0607